



08 SEP 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

HUNTON & WILLIAMS LLP  
1900 K Street N.W.  
Suite 1200  
Washington, DC 20006-1109

In re Application of :  
MICHAELS, Frank :  
Application No.: 10/531,805 :  
PCT No.: PCT/US2003/033178 :  
Int. Filing Date: 17 October 2003 :  
Priority Date: 17 October 2002 :  
Attorney Docket No.: 59046.000039 :  
For: TRANSMUCOSAL ADMINISTRATION :  
OF AGGREGATED ANTIGENS :

## DECISION

This is a decision on the declaration filed on 07 April 2006 which has been treated as a petition under 37 CFR 1.42. No fee is required.

## BACKGROUND

On 09 September 2005, the DO/EO/US mailed a Notification of Missing Requirements (PCT/DO/EO/905) requesting, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497(a) and (b). Applicants were given two months to respond with extensions of time available.

On 07 April 2006, applicant filed a response which included a five-month extension fee and a declaration executed by a legal representative on behalf of a deceased inventor.

## DISCUSSION

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Applicant submitted a declaration signed by Karen Dohm as the legal representative of the sole inventor, Frank Michaels. The citizenship, residence and address of Ms. Dohm is recorded on the declaration pursuant to 37 CFR 1.497(b)(2). However, the required citizenship information for the deceased inventor is omitted. See 37 CFR 1.497(a)(3). As such, the declaration does not comply with 37 CFR 1.497.

**CONCLUSION**

The papers filed under 37 CFR 1.42 are **DISMISSED**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302